

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WENDI L. SMITH v. HOLY FAMILY UNIVERSITY	CIVIL ACTION NO. 21-2700
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MEMORANDUM AND ORDER RE: ATTORNEYS' FEES AND EXPENSES

Baylson, J.

August 7, 2023

The Court has reviewed the Plaintiff's Application for Attorney's Fees and Costs (ECF No. 118), the Defendant's Response, the Plaintiff's Reply Brief, and Plaintiff's Supplemental Application (ECF No. 137).

As a general matter, the Court finds that Plaintiff's account of the contentious pretrial proceedings is highly accurate. The Defendant's version is ignorant to much of defense stalling, obfuscation, and resistance to legitimate discovery requests. Original defense counsel were replaced shortly prior to trial, for what reason the Court does not know. Plaintiff's counsel was well prepared throughout the case and her briefs were well done. This was an important case for the Plaintiff, because the jury's verdict satisfies the Court that the Plaintiff's medical situation was serious and accurately portrayed by Plaintiff and Plaintiff's counsel.

The Defendant objects both the calculation of hours spent, and the hourly rate claimed by Plaintiff's lead counsel. Plaintiff's time, as recorded, was reasonable and necessary given the conduct of Defendant's counsel. As to the hours spent by other attorneys in the office of Plaintiff's lead counsel, this is necessary staff work to assist lead counsel in the voluminous discovery and the preparation for trial.

The Court will make a distinction between the hourly rate to be awarded to Plaintiff's lead counsel for pretrial work, as opposed to trial work. The Court will award Plaintiff's counsel

the amount of \$450.00 per hour for all pretrial work, and the requested \$550.00 per hour for work commencing at the start of trial, whether in court or out of court.

The hours as recorded and requested for all of those colleagues of Plaintiff's counsel will be approved as requested.

The Court will grant Plaintiff's Supplemental Application for Fees and Expenses.

Plaintiff's counsel shall promptly file a new calculation of the amounts requested, as required above, and may include as post-trial work, the amounts requested in the Supplemental Application (ECF No. 137).

BY THE COURT:

/s/ MICHAEL M. BAYLSON

MICHAEL M. BAYLSON, U.S.D.J.